

Filed for intro on 02/02/95
House Bill _____
By _____

Senate Bill No.SB0376
By Kyle

AN ACT to amend Tennessee Code Annotated, Title 3 and Title 71, relative to creating a TennCare Formulary Oversight Committee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3, Chapter 15, is amended by adding Sections 2 through 5, inclusive, as a new part to be appropriately designated.

SECTION 2. In order to advise the department of health concerning patient care and drug formularies in the TennCare program, a program providing medical assistance pursuant to a federal waiver under Tennessee Code Annotated, Title 71, Chapter 5, Part 1, there is hereby created the TennCare Formulary Oversight Committee.

SECTION 3. The TennCare Formulary Oversight Committee shall be composed of: a member of the senate appointed by the speaker of the senate; a member of the house of representatives appointed by the speaker of the house; a physician; a nurse practitioner; a TennCare consumer; and a pharmacist. The governor shall appoint the four (4) nonlegislative members from a list of three (3) names submitted by each of the following organizations: the Tennessee Medical Association for the physician; the Tennessee Nurses Association for the

nurse practitioner; the Tennessee Pharmacists Association for the pharmacist; and the Tennessee Health Care Campaign for the consumer.

SECTION 4. The committee is to advise the commissioner of health, the director of the bureau of TennCare, and the director of pharmacy services for the Tennessee medical assistance program concerning the following issues:

(1) whether TennCare managed care organizations provide appropriate drugs in the formularies;

(2) whether patient care may be compromised by the failure of TennCare to cover certain drugs;

(3) whether the preapproval and prior authorization processes for obtaining approval of noncovered drugs works effectively; and

(4) other relevant issues and recommendations for improvement.

SECTION 5. (a) The committee shall be chaired by one of the legislative members and shall have such other officers as it considers necessary. The committee shall meet at least quarterly and at the call of the chair. Each year the committee shall report on its activities to the general assembly. The committee shall terminate on the termination of the TennCare waiver. Legislative members of the committee shall be entitled to reimbursement for their expenses in attending meetings of the committee or any subcommittee thereof at the same rates and in the same manner as when attending the general assembly. Nonlegislative members shall be entitled to reimbursement for their expenses in attending meetings of the committee and subcommittees thereof in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general.

(b) The committee may also:

(1) Create subcommittees related to its purposes;

(2) Conduct hearings;

(3) Employ staff, subject to the availability of funding for such purpose;

(4) Enter into contracts for technical or professional services, subject to the availability of funding for such purpose; the speaker of the house of representatives and the speaker of the senate to jointly determine the tasks or job descriptions of any consultant or other person contracted for services, and to jointly select any such consultant or other person on behalf of the committee; and

(5) Request standing committees of the general assembly, the fiscal review committee, and any agencies of state government to study and report on designated policy matters relating to the committee's mission.

SECTION 6. This act shall take effect on becoming law, the public welfare requiring it.

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